PR

GOODWIN | PROCTER

Brooks R. Brown
310.788.5148
bbrown@
goodwinprocter.com

Goodwin Procter LLP
Counselors at Law
10250 Constellation Blvd.
Los Angeles, CA 90067
T: 310.788.5100
F: 310.286.0992

August 11, 2008

Mr. Chris Morris, Esq.
Assistant City Attorney
Office of the City Attorney – City of San Diego
Criminal Division
1200 Third Avenue, Suite 700
San Diego, CA 92101-4103

Re: **People of the State of California v. Countrywide Financial Corporation, et al.**
U.S. District Court, Southern Division, Case No. 08 CV 1348 JLS (BLM)

Dear Mr. Morris:

Enclosed herewith, please find the original version of the executed Waiver of Service of Summons in the above-referenced matter.

Sincerely,

Brooks R. Brown

Brooks R. Brown

BRB:amn
cc: Paul G. McNamara, Esq.

WAIVER OF SERVICE OF SUMMONS

TO: Michael J. Aguirre, City Attorney; Christopher S. Morris, Assistant City Attorney; Margaret G. Jacobo, Assistant City Attorney; Diane Silva-Martinez, Head Deputy City Attorney; David J. Karlin, Head Deputy City Attorney
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, acknowledge receipt of your request that I waive service of a summons in the action of People of the State of California v. Countrywide Financial Corporation, Bank of America, Angelo Mozilo, David Sambol, Stanford Kurland, and Carlos Garcia, which is case number 08 CV 1348-JLS-BLM in the United States District Court for the Southern District of California. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that *Countrywide Financial Corporation, Bank of America, Angelo Mozilo, David Sambol, Stanford Kurland, and Carlos Garcia,* the entities and parties which I represent in this action, be served with judicial process in the manner provided by Rule 4.

Countrywide Financial Corporation, Bank of America, Angelo Mozilo, David Sambol, Stanford Kurland, and *Carlos Garcia* will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against *Countrywide Financial Corporation, Bank of America, Angelo Mozilo, David Sambol, Stanford Kurland,* and/or *Carlos Garcia* if an answer or motion under Rule 12 is not served upon you within 60 days after August 7, 2008, or within 90 days after that date if the request was sent outside the United States.

August 8, 2008
(DATE)

Brooks R Brown
(SIGNATURE)

Printed/Typed Name: Brooks R. Brown

Attorneys for: Countrywide Financial Corporation, Bank of America, Angelo Mozilo, David Sambol, Stanford Kurland, and Carlos Garcia

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action had been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiffs attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA Plaintiff, v. COUNTRYWIDE FINANCIAL CORPORATION, ET AL. Defendants.	Case No.: 08 CV 1348 JLS (BLM) DECLARATION OF SERVICE

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; and that I served the individuals on the service list attached hereto the following documents: **NOTICE OF MOTION TO REMAND AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION TO REMAND,** in the following manner: (Check one)

1)___ By personally serving the individual named by personally delivering the copies to the offices of the addressee.

Time of delivery: ___________ a.m./p.m.

2)___ By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing copies (first class mail, postage prepaid) to the person served at the place where the copies were left.

3) XX By electronic filing, I served each of the above referenced documents by E filing, in accordance with the rules governing the electronic filing of documents in the United States District Court for the Southern District of California, as to the following parties:

pmcnamara@omm.com
bbrown@goodwinprocter.com
scrobinson@goodwinprocter.com
dhurwitz@omm.com

4) XX By placing a copy in a sealed envelope and placing it for collection and mailing with the United States Postal Service this same day, at my address shown above, following ordinary business practices to:

Thomas M. Hefferon
Goodwin Procter LLP
901 New York Avenue, NW
Washington, DC 20001

Executed: August 20, 2008, at San Diego, California.

Marianne Troxell